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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,668	09/27/2001	Glen J. Desargant	7784-000363	2851

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EXAMINER

WIMER, MICHAEL C

ART UNIT PAPER NUMBER

2821

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,668

Applicant(s)

DESARGANT ET AL.

Examiner

Michael C. Wimer

Art Unit

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A-W

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 2,3,10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 2 and 3, line 4, there is no proper antecedent basis for "said outermost ends" and thus the claims are unclear. Compare with the language, "outermost side portions" used in Claim 1.

Regarding Claims 10 and 11, line 2, there is no proper antecedent basis for "said lateral opposite side edges", and thus the claims are unclear. Compare with the language, "outermost lateral side edges" used in Claim 9.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "102b in Fig. 4" has been used to designate both the reflector center (one occurrence of 102a does show the center, but the upper numeral 102a points to an edge) and the outermost lateral edge portions 102b (at least the lower numeral 102b points to the edge). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3,7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Densmore et al. (5398035).

Regarding Claims 1-3,7 and 9-13, Densmore et al show and teach a rotatable antenna and a method for mounting a rotatable reflector antenna having a main reflector 66 with outermost side/edge portion (since it is elliptical, Figs. 4a,4c and 6) and an axial center, rotated around an azimuth axis shown at the coaxial line-type rotary joint 58, and supported on a platform 72, having a motor within the "antenna controller" 52 (col. 5, lines 50-51 and col. 8, second paragraph), where the azimuth axis (through rotary joint 58) is disposed forwardly of a plane extending perpendicularly through the axial center of the reflector (see Fig. 4c), or intersecting the outermost side/edge portions of the reflector, and the platform is fixedly coupled to the rotary joint 58 so the reflector rotates around the joint and azimuthal axis of rotation, and an optical encoder 76 tracks the azimuth rotation, all arranged as claimed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6,8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Densmore et al in view of Spano et al (6204823 B1).

As noted above, Densmore et al show the claimed structure recited in the respective claims. No aircraft antenna mounting appears to be suggested that additionally has elevation scanning/tilting. Densmore et al teaches that the elevation need not be rotated because the elevational excursions are less than 12 degrees, but acknowledges at col. 1, lines 35-50, some applications require elevational change. Thus, Spano et al are cited as resolving the level of ordinary skill in the antenna art and shows an elevation servo motor 68 for tilting the antenna along with an azimuth rotation motor all disposed around a rotary joint. It would have been obvious to the skilled artisan to employ such an elevation adjustment via the system of Spano et al in the Densmore et al system when a wider degree of elevation is needed on an aircraft system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wimer whose telephone number is (703) 305-3555. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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A handwritten signature in black ink, appearing to read "Michael C. Wimer", written in a cursive style.

Michael C. Wimer
Primary Examiner
Art Unit 2821

MCW

08 September 2003